

KNIK RIVER PUBLIC USE AREA
AUGUST 26, 2016 PROPOSED REGULATIONS

QUESTIONS AND ANSWERS

As of September 23, 2016

Question: Do members of the public have an opportunity to request reconsideration of the commissioner regarding proposed regulations?

Answer: The regulations adoption and filing process is subject to the Administrative Procedures Act, AS 44.62. The public comment period provides the opportunity for the public to provide input regarding the proposed regulations. The public comment period for this rulemaking closes on September 30, 2016. There is no commissioner reconsideration process for adopted regulations. Instead, adopted regulations are subject to judicial review under AS 44.62.300.

Question: Will the public have an opportunity to vote on the proposed regulations?

Answer: No, the public will not have the opportunity to vote on these proposed regulations. Rather, regulations are reviewed through the process established by the Administrative Procedures Act, AS 44.62. The public is provided the opportunity to input through the public comment period which closes on September 30, 2016.

Based on the comments received during the comment period, the department will make any appropriate changes necessary to the proposed regulations. These revised regulations are adopted by the commissioner of the Department of Natural Resources and sent to the Department of Law for legal review. Once that review is completed the approved regulations are forwarded to the Lieutenant Governor for filing and go into effect 30 days after filing.

Question: Where are the “reasons” for the establishment of the Knik River Public Use Area listed?

Answer: The statutes creating the Knik River Public Use Area and specifying the purpose and management of the area are located at AS 41.23.180 through AS 41.23.230. AS 41.23.180 describes the purposes of those statutes. Beyond that, the legislative history of the legislature's public deliberation of the legislation should be consulted. (1 ch 83 SLA 2006)

Question: What and where are the negative impacts described in the Dear Alaskan Letter (issued on August 26th, 2016)?

Answer: DNR has observed highway vehicles attempting to use the Rippy Trail which was not designed for vehicles in excess of 1,500 lbs. This abuse of the trail can and will lead to damage and degradation of state property. The current lack of enforceable rules for the use of the Kenny and Patti Barber Shooting Range creates public safety concerns and users have had questions of ambiguity of appropriate uses of the facility. The long term use of the public use sites has had impact with other users leading to conflicts.

Question: What Department regulations require restrictions on general use areas?

Answer: 11 AAC 96.005 through 11 AAC 96.010, and 11 AAC 96.020

Question: Who has the executive signature authority (to incrementally adjust fees for the KRPUA)?

Answer: Under proposed regulations at 11 AAC 05.010(e)(23) the Director of the Division of Mining, Land and Water would have the authority to adjust fees within the KRPUA by director's order.

Question: Are we being told that the state will spend zero dollars to produce and issue 'permit' documents for fee payers? (in reference to item #8 of the **Additional Regulations Notice Information** contained in the public notice)

Answer: No, this information states that the department does not require any additional appropriation from the legislature to implement the provisions of the proposed regulation in next Fiscal Year, 2017. DNR anticipates that any costs associated with managing the provisions of the proposed regulations, including the possible issuance of any permits or enforcement activity, will be covered by existing appropriations.

Question: Are we being told that there will be zero increase in manpower due to increased collections, accounting, and 'managing' fees or fines collected?

Answer: That is correct. DNR anticipates that it will be able to continue to manage those issues within the KRPUA, including the new regulatory provisions, with the existing available resources and staff.

Question: If all these fees are going to be collected, what is the agency plans for using the fee money for 'maintenance and enhancement' of the KRPUA?

Answer: It is the department's intent that the proposed fees collected from permit issuance at the range will be available to the division for use in shooting range maintenance and operations. The costs for portable lavatory expenses currently exceed \$3,000 annually, while waste removal costs are exceeding \$4,000 annually. These costs significantly exceeded department expectations. These costs also do not take into account the replacement of vandalized signage, removed of other onsite materials, or other costs. Costs are anticipated to increase as the use of the shooting range continues to increase. Proposed fees will be used to offset expenses at the range, and for maintenance and repairs of the range as needed.

Question: One primary issue of concern is the misconception that the KRPUA volunteers and many of the Valley residents have been working under that DNR stated that as long as the Barber Range was kept clean and orderly, there would be no fees; and now you are proposing fees for everyone. Was this fee structure just being hidden from the public from the initial concept until the range was up and operational, or is this a recent change of heart in order to add to the DNR money coffers?

Answer: While fees for certain uses within the KRPUA were always a possibility, only recently has DNR had cause to reconsider the issue of user fees. Through these proposed regulations, DNR is not proposing to "add to the DNR money coffers" beyond what is needed to manage and maintain the shooting range itself.

Since its inception, DNR has hoped and anticipated that the daily maintenance of the shooting range could and would be facilitated through existing legislative funding, KRPUA volunteers and existing DNR resources. DNR has every intention of continuing with this approach. However, in recent years the state's revenue situation has cast a doubt on the sustainability and reliability of continued legislative funding from the state's general fund for the facilities like the shooting range. Also, the level of use and demands on contracted waste services for trash removal and portable toilet facilities has significantly exceeded expectations.

The range represents a \$950,000 investment in the recreational capacity of the KRPUA. While the shooting range is relatively new and maintenance cost are relatively low, these cost will increase with increased use and as the facility ages. Also, this facility does not enjoy dedicated on-site staff capable of responding to accidents or prevent acts of vandalism that could damage the range improvements. DNR currently has a very limited source of funding available to repair or replace this facility.

As the notice says, the proposed fee regulations establish a fee structure that allows the department to set, and incrementally adjust fees by executive order, provided the fees for the use of the shooting area do not exceed the amounts established in the proposed regulations.

DNR does not intend to charge a fee for personal use of the shooting range for as long as that is possible. DNR only plans to charge commercial users of the range.